



Entered on Docket  
December 06, 2010

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

PITE DUNCAN, LLP  
EDDIE R. JIMENEZ (NV Bar #10376)  
ACE VAN PATTEN (NV Bar #11731)  
ALEXIS M. BORNHOFT (NV Bar #11523)  
701 Bridger Avenue, Suite 700  
Las Vegas, Nevada 89101  
Telephone: (858) 750-7600  
Facsimile: (619) 590-1385  
E-mail: ecfnvb@piteduncan.com

MAILING ADDRESS:  
4375 Jutland Drive, Suite 200  
P.O. Box 17933  
San Diego, California 92177-0933

15 Attorneys for Secured Creditor U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE  
16 FOR RASC 2005KS11

17 UNITED STATES BANKRUPTCY COURT

18 DISTRICT OF NEVADA

20 In re Bankruptcy Case No. BK-S-10-27803-lbr  
21 ELENA E CUBILLA, Chapter 7  
22 Debtor(s). U.S. BANK NATIONAL ASSOCIATION  
23 AS TRUSTEE FOR RASC 2005KS11'S  
24 ORDER TERMINATING AUTOMATIC  
STAY  
Date: November 24, 2010  
Time: 10:30 a.m.

25 A hearing on Secured Creditor U.S. Bank National Association as Trustee for  
26 RASC 2005KS11's Motion for Relief From the Automatic Stay came on regularly for hearing in  
27 the United States Bankruptcy Court before the Honorable Linda B. Riegle, Ace Van Patten  
28 appearing on behalf of Secured Creditor.

1                   The court having duly considered the papers and pleadings on file herein and  
2 being fully advised thereon and finding cause therefor:

3                   IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

4                   The automatic stay of 11 United States Code section 362 is hereby immediately  
5 terminated as it applies to the enforcement by Movant of all of its rights in the real property  
6 under the Note and Deed of Trust encumbering the real property commonly known as 5655 East  
7 Sahara Avenue 2023, Las Vegas, Nevada 89142 ("Real Property"), which is legally described as:

8                   SEE    LEGAL    DESCRIPTION   ATTACHED  
9                   HERETO AS EXHIBIT A AND MADE A PART  
HEREOF .

10  
11                   IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant and/or  
12 its foreclosure trustee shall mail written notice of the time, date and place of the foreclosure sale  
13 of the Real Property to the Debtor(s) at the address for the Real Property at least 7 calendar days  
14 prior to the foreclosure sale. In the event that Movant and/or its foreclosure trustee provides at  
15 least 7 calendar days' advance notice of the time, date and place of the foreclosure sale of the  
16 Real Property in compliance with the notice requirements set forth in Chapter 107 of Nevada  
17 Revised Statutes, those notices shall be sufficient to satisfy the requirement of this Court to  
18 provide 7 days' notice to the Debtor(s).

19                   IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant may  
20 offer and provide Debtor with information re: a potential Forbearance Agreement, Loan  
21 Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and  
22 may enter into such agreement with Debtor. However, Movant may not enforce, or threaten to  
23 enforce, any personal liability against Debtor if Debtor's personal liability is discharged in this  
24 bankruptcy case.

25                   APPROVED/DISAPPROVED    APPROVED/DISAPPROVED  
26

27                   

---

28                   ANTHONY DELUCA  
                          DEBTOR(S) ATTORNEY

---

WILLIAM A. LEONARD  
                          TRUSTEE

Order No. : 5115007768-BG

**EXHIBIT "A"**

The land referred to is situated in the State of Nevada, County of Clark, in the unincorporated area, and is described as follows:

**PARCEL I:**

Unit 2023 in Building 5 of TERRASANTA UNIT 1 (A CONDOMINIUM DEVELOPMENT) filed pursuant to the provisions of N.R.S. 116 recorded in Book 91 of Plats, Page 9, in the Official Records of the County Recorder, Clark County, Nevada, and as defined in that certain Declaration of Restrictions (enabling declaration establishing a plan for condominium ownership of TERRASANTA CONDOMINIUMS) recorded January 18, 2000 in Book 20000118 of Official Records, Clark County, Nevada, as Document No. 01452.

**PARCEL II:**

An undivided 1/44th interest in and to the common element Phase 3 as shown upon TERRASANTA UNIT 1 (A CONDOMINIUM DEVELOPMENT) filed pursuant to the provisions of N.R.S. 116 recorded in Book 91 of Plats, Page 9, in the Official Records of the County Recorder, Clark County, Nevada, and as defined in that certain Declaration of Restrictions (enabling declaration establishing a plan for condominium ownership of TERRASANTA CONDOMINIUMS) recorded January 18, 2000 in Book 20000118 of Official Records, Clark County, Nevada, as Document No. 01452.

**PARCEL III:**

An exclusive use easement over that portion of the common element shown as patios, balconies, landings, stairways, assigned storage, covered parking, and garages which areas shall be referred to as Limited Common Elements as shown upon TERRASANTA UNIT 1 (A CONDOMINIUM DEVELOPMENT) filed pursuant to the provisions of N.R.S. 116 recorded in Book 91 of Plats, Page 9, in the Official Records of the County Recorder, Clark County, Nevada, and as defined in that certain Declaration of Restrictions (enabling declaration establishing a plan for condominium ownership of TERRASANTA CONDOMINIUMS) recorded January 18, 2000 in Book 20000118 of Official Records, Clark County, Nevada, as Document No. 01452.

**PARCEL IV:**

A non-exclusive easement for ingress and egress, public utilities and private streets over the Common Element of the Condominium Project as

shown upon TERRASANTA UNIT 1 (A CONDOMINIUM DEVELOPMENT) filed pursuant to the provisions of N.R.S. 116 recorded in Book 91 of Plats, Page 9, in the Official Records of the County Recorder, Clark County, Nevada, and as defined in that certain Declaration of Restrictions (enabling declaration establishing a plan for condominium ownership of TERRASANTA CONDOMINIUMS) recorded January 18, 2000 in Book 20000118 of Official Records, Clark County, Nevada, as Document No. 01452.

PARCEL V:

RESERVING THEREFROM for the benefit of owners in Phases Two (2) through Six (6) non-exclusive easements for ingress, egress, and recreational use over that certain common element Phase 1, as shown upon TERRASANTA UNIT 1, as shown by map thereof on file in Book 91 of Plats, Page 9, in the Office of the County Recorder of Clark County, Nevada, and as further defined in that certain Declaration of Restrictions (enabling declaration establishing a plan for condominium ownership of TERRASANTA CONDOMINIUMS) recorded January 18, 2000 in Book 20000118 of Official Records, Document No. 01452.

1 In accordance with LR 9021, counsel submitting this document certifies that the order accurately  
2 reflects the court's ruling and that (check one):

3  The court has waived the requirement set forth in LR 9021(b)(1).  
4  No party appeared at the hearing or filed an objection to the motion.  
5  I have delivered a copy of this proposed order to all counsel who appeared at the hearing,  
6 and any unrepresented parties who appeared at the hearing, and each has approved or  
7 disapproved the order, or failed to respond, as indicated below [list each party and whether the  
8 party has approved, disapproved, or failed to respond to the document]:

9  
10  I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order  
11 with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of  
12 the order.  
13  Approved.  
14  Disapproved.  
15  Failed to respond. - Debtor's Attorney/Trustee

16 #####

17 Submitted by:

18 /s/ ACE VAN PATTEN  
19 4375 Jutland Drive, Suite 200  
P.O. Box 17933  
20 San Diego, CA 92177-0933  
(858) 750-7600  
21 NV Bar #11731  
Attorney for U.S. BANK  
22 NATIONAL ASSOCIATION  
AS TRUSTEE FOR RASC  
23 2005KS11

24

25

26

27

28